

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In re Diane Pearson,)	
)	Case No. 11-30511-JES
)	Chapter 13
Debtor.)	
)	
)	

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

Diane Pearson (“Debtor”) through her counsel, Michael J. Maloney and the Watton Law Group, has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing, which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 East Wisconsin Avenue
Room 126
Milwaukee, WI 53202-4581

Michael J. Maloney, Esq. Watton Law Group 700 North Water Street, Suite 500 Milwaukee, WI 53202 Telephone (414) 273-6858 Facsimile (414) 273-6894
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Pursuant to Bankruptcy Rule 2002(a)(5), the last day for filing an objection to the modified Chapter 13 Plan is twenty-one (21) days from the date of this notice.

You must also mail a copy to:

Michael J. Maloney, Esq.
Watton Law Group
700 North Water Street, Suite 500
Milwaukee, WI 53202

If you or your attorney do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is the Debtor;
2. This is a request to modify a Chapter 13 Plan (Select A. or B.)
 - A. ☐ post-confirmation;
 - B. ☒ pre-confirmation (Select i. or ii.);
 - i. ☐ Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or
 - ii. ☒ Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are: Landmark Credit Union
3. The Proponent wishes to modify the Chapter Plan to do the following: clarify the treatment of Landmark Credit Union's proof of claim.

4. The reason(s) for the modification is/are: resolve Landmark Credit Union's Objection to Confirmation of the Chapter 13 Plan.

5. Select A. or B.

A. ☐ The Chapter 13 Plan confirmed or last modified on _____ is modified as follows:

B. ☒ The unconfirmed Chapter 13 Plan dated July 5, 2011 is modified as follows:

Payments to the Trustee: The future earnings or other future income of the Debtor is submitted to the supervision and control of the trustee. The Debtor (or the Debtor's employer) shall pay to the trustee the sum of \$188.00 per month for 39 months and then \$893.00 per month for the remaining 21 months.

Estimated Total of plan payments: \$26,085.00

Plan Length: This plan is estimated to be for 60 months.

Landmark Credit Union shall be paid \$9,505.97 with 5.00% interest for the 2005 Toyota Corolla.

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION

CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Date: July 21, 2011

/s/ Diane Pearson
Debtor

/s/ Timothy H. Hassell, for
Michael J. Watton, Esq.
Watton Law Group
700 North Water Street, Suite 500
Milwaukee, Wisconsin 53202

Attorney for Debtor

A copy of the foregoing filed electronically
on July 22, 2011 with:

Clerk, U.S. Bankruptcy Court
517 East Wisconsin Avenue
Milwaukee, WI 53202

Copies of the foregoing mailed or sent electronically
if the party named accepts electronic service
on July 22, 2011 to:

Office of the U.S. Trustee
517 East Wisconsin Avenue, #430
Milwaukee, WI 53202

Thomas J. King
PO Box 3170
Oshkosh, WI 54903-3170

Landmark Credit Union
P.O. Box 510870
New Berlin, WI 53151

Mark Darnieder, Esq.
735 North Water Street, Suite 930
Milwaukee, WI 53202

/s/Ashley Hermann, Paralegal
(Electronically file by)

Pearson
Case No. 11-30511-JES